

1/27/14

Per Tim Gary -

Redraft to have the County acreage
fees under 28.11(8) increase
beginning with the April, 2014
payment



2013 BILL

regen

1 AN ACT *to renumber and amend* 28.11 (8) (a); *to amend* 74.25 (1) (a) 6., 74.30
2 (1) (f) and 77.89 (2) (b); and *to create* 28.11 (8) (a) 2. and 77.89 (2) (c) of the
3 statutes; **relating to:** payments to counties for designated county forest lands
4 and distribution of amounts paid to municipalities by owners of closed managed
5 forest lands.

Analysis by the Legislative Reference Bureau

Under the Managed Forest Land Program administered by the Department of Natural Resources (DNR), the owner of a parcel of land designated as managed forest land (MFL) makes an annual acreage share payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices. The owner may keep a specific area of the MFL closed to public access, but the owner must keep the remainder of the MFL open for recreational activities such as hunting, fishing, and cross-country skiing. For MFL that is closed to the public, the MFL owner must make a payment that is in addition to the acreage share payment (closed acreage fees).

Under current law, the entire amount that is collected as closed acreage fees is collected by the applicable taxation district and transferred to an applicable county, which in turn transfers the payments to DNR for deposit into the conservation fund. Under this bill, in 2014 only, the taxation district is required to pay 75 percent of the closed acreage fees to DNR. The bill provides that of the remaining 25 percent collected by the taxation district, the taxation district must pay 20 percent to the county.

BILL

Current law also requires DNR to pay each town treasurer 30 cents per acre of land in that town that is designated as county forest land. This bill increases those payments to 55 cents per acre beginning with payments made in (2015) for land designated as county forest land as of June 30, ~~2014~~ 2013 2014

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 28.11 (8) (a) of the statutes is renumbered 28.11 (8) (a) 1. and
2 amended to read:

3 28.11 (8) (a) 1. As Except as provided in subd. 2., as soon after April 20 of each
4 year as feasible, the department shall pay to each town treasurer 30 cents per acre,
5 based on the acreage of such lands as of the preceding June 30, as a grant out of the
6 appropriation made by s. 20.370 (5) (bv) on each acre of county lands entered under
7 this section. This subdivision does not apply to payments required to be paid by the
8 department after ~~2014~~ 2013

9 **SECTION 2.** 28.11 (8) (a) 2. of the statutes is created to read:

10 28.11 (8) (a) 2. As soon after April 20, ~~2015~~ 2014, as feasible, and as soon after April
11 20 of each year thereafter as feasible, the department shall pay to each town
12 treasurer 55 cents per acre, based on the acreage of such lands as of the preceding
13 June 30, as a grant out of the appropriation made by s. 20.370 (5) (bv) on each acre
14 of county lands entered under this section.

15 **SECTION 3.** 74.25 (1) (a) 6. of the statutes, as affected by 2013 Wisconsin Act 81,
16 is amended to read:

17 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational
18 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84

BILL

1 (2) (a) and (am), and all collections of payments for lands under s. 77.84 (2) (b), (bm),
2 and (bp), except as provided in s. 77.89 (2) (c).

3 **SECTION 4.** 74.30 (1) (f) of the statutes, as affected by 2013 Wisconsin Act 81,
4 is amended to read:

5 74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes
6 on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2)
7 (a) and (am), and all collections of payments for lands under s. 77.84 (2) (b), (bm), and
8 (bp), except as provided in s. 77.89 (2) (c).

9 **SECTION 5.** 77.89 (2) (b) of the statutes is amended to read:

10 77.89 (2) (b) ~~The~~ Except as provided in par. (c), the municipal treasurer shall
11 pay all amounts received under s. 77.84 (2) (b) and (bm) to the county treasurer, as
12 provided under ss. 74.25 and 74.30. The county treasurer shall, by June 30 of each
13 year, pay all amounts received under this paragraph to the department. All amounts
14 received by the department shall be credited to the conservation fund and shall be
15 reserved for land acquisition, resource management activities, and grants under s.
16 77.895.

17 **SECTION 6.** 77.89 (2) (c) of the statutes is created to read:

18 77.89 (2) (c) 1. In 2014, of the amounts received under s. 77.84 (2) (b) and (bm)
19 the municipal treasurer shall, by June 30, 2014, pay 75 percent of the amounts
20 received under s. 77.84 (2) (b) and (bm) to the department.

21 2. The municipal treasurer shall, by June 30, 2014, pay to the county treasurer
22 an amount equal to 20 percent of the balance remaining after payment is made to the
23 department under subd. 1., for deposit in the county treasury.

BILL

3. All amounts received by the department under subd. 1. shall be credited to the conservation fund and shall be reserved for land acquisition, resource management activities, and grants under s. 77.895.

(END)

Kite, Robin

From: Kite, Robin
Sent: Wednesday, January 29, 2014 4:42 PM
To: Gary, Tim
Subject: RE:

I will redraft to take out the cross-reference to s. 77.895.

Robin

From: Gary, Tim
Sent: Wednesday, January 29, 2014 4:37 PM
To: Kite, Robin
Cc: Wenzlaff, Tyler
Subject: RE:

Let us just take out the cross reference to 77.895 and ensure the amounts received by DNR should be credited to the conservation fund.

From: Kite, Robin
Sent: Wednesday, January 29, 2014 4:28 PM
To: Gary, Tim
Cc: Wenzlaff, Tyler
Subject: RE:

The language in the draft is the same as what is in current law. See s. 77.89 (2) (b). I have maintained all of current law in s. 77.89 except for the change in distribution of the 2014 payments. Please note that under current law, and under the draft, the amounts received by DNR are credited to conservation fund not just for grants under s. 77.895 but also "for land acquisition and resource management activities". Do you want to take out **all** of this language in the draft as it applies to 2014 payments or do you just want to take out the cross-reference to s. 77.895? I think that, at the least, the language should say that the amounts received by DNR should be credited to the conservation fund. Please let me know how you would like me to proceed.

Robin

From: Gary, Tim
Sent: Wednesday, January 29, 2014 4:05 PM
To: Kite, Robin
Cc: Wenzlaff, Tyler
Subject: FW:
Importance: High

Robin,

If this /2 sends any closed acreage funding to the MFL board authorized under the Doyle administration instead of string-free for both the DNR and the towns/counties, that is not Rep. Mursau's intent.

Tim Gary

From: Polasek Jr, Joseph P - DNR [<mailto:Joseph.Polasekjr@wisconsin.gov>]
Sent: Wednesday, January 29, 2014 3:39 PM

To: Gary, Tim
Cc: Bruhn, Michael L - DNR; DeLong, Paul J - DNR; Mather, Robert J - DNR
Subject: FW:
Importance: High

Hi Tim-- looks like we would have a question about the following language in the bill on page 4. It appears to earmark the remaining money the Department receives for the grant program. Not sure that was your intent-- if not it should probably be struck. I also included the 77.895 language.

The rest of the bill appears to accomplish your intent.

Let me know if you need more.

3. All amounts received by the department under subd. 1. shall be credited to the conservation fund and shall be reserved for land acquisition, resource management activities, and grants under s. 77.895.

77.895 Grants for land acquisitions for outdoor activities.

77.895(1)(1) **DEFINITIONS.** In this section:

77.895(1)(a) **(a)** "Board" means the managed forest land board.

77.895(1)(b) **(b)** "Land" means land in fee simple, conservation easements, and other easements in land.

77.895(1)(c) **(c)** "Local governmental unit" means a city, village, town, or county.

77.895(1)(d) **(d)** "Nonprofit conservation organization" has the meaning given in s. 23.0955 (1).

77.895(2) **(2) PROGRAM.** The department shall establish a program to award grants to nonprofit conservation organizations, to local governmental units, and to itself to acquire land to be used for hunting, fishing, hiking, sightseeing, and cross-country skiing. The board shall administer the program and award the grants under the program.

77.895(3) **(3) REQUIREMENTS.** The department, in consultation with the board, shall promulgate rules establishing requirements for awarding grants under this section. The rules promulgated under this subsection shall include all of the following:

77.895(3)(a) **(a)** A requirement that the board give higher priority to counties over other grant applicants in awarding grants under this section.

77.895(3)(b) **(b)** A requirement that, in awarding grants to counties under this section, the board give higher priority to counties that have higher numbers of acres that are designated as closed under s. 77.83.

77.895(3)(c) **(c)** A requirement that, in awarding grants to towns under this section, the board give higher priority to towns that have higher numbers of acres that are designated as closed under s. 77.83.

77.895(3)(d) **(d)** A requirement that no grant may be awarded under this section without it being approved by the board of each county in which the land to be acquired is located.

77.895(3)(e) **(e)** Requirements concerning the use of sound forestry practices on land acquired under this section.

77.895(3)(fm) **(fm)** A requirement that no more than 10 percent of grant funding available under this section may be used to acquire parcels of land that are less than 10 acres in size.

77.895(3)(gm) **(gm)** A requirement that land acquired with a grant under this section be open to hunting, fishing, and trapping during all applicable hunting, fishing, and trapping seasons.

77.895(4) **(4) USE OF LAND.** Land acquired under this section may be used for purposes in addition to those specified in sub. (2) if the additional uses are compatible with the purposes specified in sub. (2).

77.895 History: 2007 a. 20.

Joe Polasek
Budget Director
Wisconsin Department of Natural Resources
(608) 266-2794

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/u/?q=85> to evaluate how I did.

From: Gary, Tim [<mailto:Tim.Gary@legis.wisconsin.gov>]

Sent: Monday, January 27, 2014 3:27 PM

To: Bruhn, Michael L - DNR; DeLong, Paul J - DNR; Polasek Jr, Joseph P - DNR; Williams, Quinn L - DNR

Subject:

Importance: High

I believe the attached bill will:

- 1) Permanently increase acreage share payments for towns with county forests from 30 cents per acre to 55 cents per acre; and
- 2) In 2014 only, allow towns to retain 25% of closed acreage fees from closed MFL lands in their jurisdiction, which must be split with the counties in an 80/20 split (favoring the towns)

Do you believe the draft is written correctly? I will have the bill drafter correct the bill based on your input, if necessary. While you are considering this, I am gathering co-sponsors.

Tim Gary



Today
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3518/2

RNK&JK:eev:jf

Keep

2013 BILL

x Regen
1 AN ACT *to renumber and amend* 28.11 (8) (a); *to amend* 74.25 (1) (a) 6., 74.30
2 (1) (f) and 77.89 (2) (b); and *to create* 28.11 (8) (a) 2. and 77.89 (2) (c) of the
3 statutes; **relating to:** payments to counties for designated county forest lands
4 and distribution of amounts paid to municipalities by owners of closed managed
5 forest lands.

Analysis by the Legislative Reference Bureau

Under the Managed Forest Land Program administered by the Department of Natural Resources (DNR), the owner of a parcel of land designated as managed forest land (MFL) makes an annual acreage share payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices. The owner may keep a specific area of the MFL closed to public access, but the owner must keep the remainder of the MFL open for recreational activities such as hunting, fishing, and cross-country skiing. For MFL that is closed to the public, the MFL owner must make a payment that is in addition to the acreage share payment (closed acreage fees).

Under current law, the entire amount that is collected as closed acreage fees is collected by the applicable taxation district and transferred to an applicable county, which in turn transfers the payments to DNR for deposit into the conservation fund. Under this bill, in 2014 only, the taxation district is required to pay 75 percent of the closed acreage fees to DNR. The bill provides that of the remaining 25 percent collected by the taxation district, the taxation district must pay 20 percent to the county.

BILL

Current law also requires DNR to pay each town treasurer 30 cents per acre of land in that town that is designated as county forest land. This bill increases those payments to 55 cents per acre beginning with payments made in 2014 for land designated as county forest land as of June 30, 2013.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 28.11 (8) (a) of the statutes is renumbered 28.11 (8) (a) 1. and
2 amended to read:

3 28.11 (8) (a) 1. As Except as provided in subd. 2., as soon after April 20 of each
4 year as feasible, the department shall pay to each town treasurer 30 cents per acre,
5 based on the acreage of such lands as of the preceding June 30, as a grant out of the
6 appropriation made by s. 20.370 (5) (bv) on each acre of county lands entered under
7 this section. This subdivision does not apply to payments required to be paid by the
8 department after 2013.

9 **SECTION 2.** 28.11 (8) (a) 2. of the statutes is created to read:

10 28.11 (8) (a) 2. As soon after April 20, 2014, as feasible, and as soon after April
11 20 of each year thereafter as feasible, the department shall pay to each town
12 treasurer 55 cents per acre, based on the acreage of such lands as of the preceding
13 June 30, as a grant out of the appropriation made by s. 20.370 (5) (bv) on each acre
14 of county lands entered under this section.

15 **SECTION 3.** 74.25 (1) (a) 6. of the statutes, as affected by 2013 Wisconsin Act 81,
16 is amended to read:

17 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational
18 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84

BILL

1 (2) (a) and (am), and all collections of payments for lands under s. 77.84 (2) (b), (bm),
2 and (bp), except as provided in s. 77.89 (2) (c).

3 **SECTION 4.** 74.30 (1) (f) of the statutes, as affected by 2013 Wisconsin Act 81,
4 is amended to read:

5 74.30 (1) (f) Pay to the county treasurer 20% of collections of occupational taxes
6 on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84 (2)
7 (a) and (am), and all collections of payments for lands under s. 77.84 (2) (b), (bm), and
8 (bp), except as provided in s. 77.89 (2) (c).

9 **SECTION 5.** 77.89 (2) (b) of the statutes is amended to read:

10 77.89 (2) (b) The Except as provided in par. (c), the municipal treasurer shall
11 pay all amounts received under s. 77.84 (2) (b) and (bm) to the county treasurer, as
12 provided under ss. 74.25 and 74.30. The county treasurer shall, by June 30 of each
13 year, pay all amounts received under this paragraph to the department. All amounts
14 received by the department shall be credited to the conservation fund and shall be
15 reserved for land acquisition, resource management activities, and grants under s.
16 77.895.

17 **SECTION 6.** 77.89 (2) (c) of the statutes is created to read:

18 77.89 (2) (c) 1. In 2014, of the amounts received under s. 77.84 (2) (b) and (bm)
19 the municipal treasurer shall, by June 30, 2014, pay 75 percent of the amounts
20 received under s. 77.84 (2) (b) and (bm) to the department.

21 2. The municipal treasurer shall, by June 30, 2014, pay to the county treasurer
22 an amount equal to 20 percent of the balance remaining after payment is made to the
23 department under subd. 1., for deposit in the county treasury.

BILL

1 3. All amounts received by the department under subd. 1. shall be credited to
2 the conservation fund and shall be reserved for land acquisition, ^{and} resource ^{plain}
3 management activities, ~~and grants under s. 77.896.~~ ^{delete}

4

(END)

Basford, Sarah

From: Gary, Tim
Sent: Thursday, January 30, 2014 7:23 PM
To: LRB.Legal
Subject: Draft Review: LRB -3518/3 Topic: Funding for various forestry programs

Please Jacket LRB -3518/3 for the ASSEMBLY.